

REMARKS

Claims 1-3 and 12-13 are pending and stand rejected or objected to for the reasons set forth in the Office Action of June 25, 2008. In particular, the Examiner has rejected the claims on the following grounds: independent claim 1 stands rejected as anticipated by US Patent No. 6,507,700 to Takekuma et al. ("Takekuma"); and claim 12 stands rejected as obvious over Takekuma in view of US Patent No. 5,550,612 to Arai ("Arai"). The remaining claims, dependent claims 2, 3 and 13 are, are objected to as being dependent upon a rejected base claim. Applicant respectfully disagrees with the conclusions made in the Office Action of June 25, 2008, in rejecting independent claims 1 and 12. Notwithstanding disagreement with those conclusions, Applicant has amended claims 1 and 12 to further distinguish the claims over the cited prior art.

The Office Action principally relies on Takekuma in rejecting both claims 1 and 12. However, the Office Action reveals that the disclosure of Takekuma has been misapplied against the previously pending claims 1 and 12. Claims 1 and 12, prior to the present amendment, each required, inter alia, a camera casing, a lens barrel housing a lens set or lens assembly and a cylindrical pressure member. In applying Takekuma against claims 1 and 12, the Examiner has identified the same member of Takekuma as both the claimed cylindrical member and the camera casing. In particular, the Office action explains that the case 5a of Takekuma corresponds to "the camera casing" of claim 1 and of claim 12 and corresponds to "the pressure member" of claim 1 and claim 12. As explained in Takekuma, case 5 "is divided into a front case 5a and a rear case 5b." Takekuma at col. 4, lines 43-44. In other words, front case 5a is part of case 5. The Office Action applies the single element, the case, against the two claimed elements of a camera casing and a pressure member. Thus, Takekuma discloses a camera casing,

but does not disclose a pressure member. For this reason alone, Applicant submits the prior pending claims were distinguishable over Takekuma alone or in combination with Arai.

Notwithstanding the foregoing, Applicant has amended independent claims 1 and 12 to further distinguish over the cited prior art. As amended, claims 1 and 12 now require that the “pressure member [is] disposed between the camera casing and the lens-barrel.” Such a configuration is shown for example in Figures 1 and 9 of Applicant’s pending application. As amended, it is now clear that the front case 5a of Takekuma, which is just the front part of the case 5, cannot be a pressure member since it is not disposed between the camera casing and the lens-barrel. As shown, for example, in Fig. 1 of Takekuma, the case 5, which includes front case 5a, is the outermost wall of the Takekuma camera and is not between the camera casing and lens-barrel. Accordingly, Takekuma cannot anticipate claim 1. For the same reasons, Takekuma may not be combined with Arai to render claim 12 obvious.

In view of the foregoing amendments to claims 1 and 12, it is respectfully submitted that all pending claims, including dependent claims 2, 3 and 13, are allowable over the cited prior art.

The Office Action indicates that the “IDS submitted on 08/15/2005 has not been considered by the examiner since the copy of the reference [JP 2001-206885] was not submitted.” Applicant submits that the reference, JP 2001-206885 (Published as JP 2002-090603) was submitted by Applicant. Applicant encloses a copy of the IDS as filed, which included an English-language abstract for the reference. Applicant also encloses a copy of the returned, stamped postcard acknowledging that the reference was received by the USPTO. Applicant notes that the title of the invention is misidentified on its IDS, but not the postcard. Accordingly, Applicant requests that the Examiner consider the attached IDS and the cited

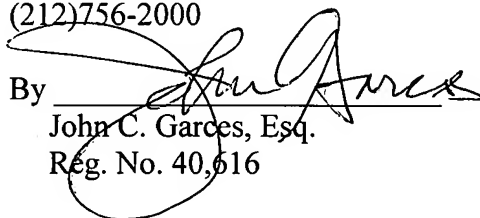
reference as timely filed and acknowledge such consideration by initialing and returning form 1449.

The Examiner is urged to telephone Applicant's undersigned counsel if it will advance the prosecution of this application. The Patent and Trademark Office is authorized to charge any fees required for the entry of this Response, including fees for an extension of time, and any further fees that are properly assessable in this case, or to credit any overpayment, to Deposit Account No. 50-0675, Order No.848075/0076. In the event that an extension of time is needed for entry of this Response that is not otherwise provided for, such extension of time is hereby respectfully requested.

Respectfully submitted,

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New York, New York



POSTCARD (TO BE FILED WITH A RESPONSE)

ATTORNEY/ASSISTANT: Reine Glanz/mm DOCKET NO.: 848075/0076
PATENT APPLICATION FOR: IMAGING APPARATUS
INVENTORS: Hideki Takada
SERIAL NO.: 10/797,531 FILING DATE: 03/10/03 DATE MAILED: 08/11/05

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